

**U.S. BANKRUPTCY COURT**  
**District of South Carolina**

Case Number: **19-01303-jw**

**Consent Order**

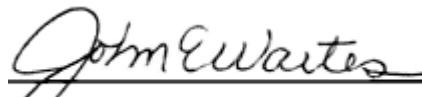
The relief set forth on the following pages, for a total of 4 pages including this page, is hereby ORDERED.

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**FILED BY THE COURT**  
**09/04/2019**



Entered: 09/04/2019



US Bankruptcy Judge  
District of South Carolina

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

In re:

Helen Marie Rizzo

Debtor.

Case No. 19-01303-jw

Chapter 13

**CONSENT ORDER REMOVING  
MATTERS FROM DOCKET AND  
ALLOWING CONFIRMATION OF  
PLAN**

This matter comes before this Court upon the joint motion of the Debtor and Olivia Austin and Michelle Dinatale, as Co-Executors for the Estate of Albert Robert Scansaroli ("Scansaroli Estate"), and with the consent of the Debtor and the Chapter 13 Trustee.

The parties have 2 matters before the Court which have been stayed by the Court until January 27, 2020—

1. Debtor's Objection to Claim of Creditors, filed 5/14/19 (Objection to Claim),
2. Adversary Proceeding filed by Creditors to determine the dischargeability of debt, case no. 19-80042-jw filed 6/24/19 (Adversary Proceeding)

The Order entered July 29, 2019 ("July 29 Order"), lifted the automatic stay to allow the proceedings in the Beaufort County Court of Common Pleas ("State Court proceedings") to continue. Specifically, the July 29 Order included the following provision:

- (e) Since the outcome of the pending Objection to Claim and Adversary Proceeding depends upon the determination of the threshold issue regarding ownership and rights to the disputed funds by the State Court, such matters shall be stayed until the entry of a final order or judgment by the State Court or until January 27, 2020, whichever occurs first.

The parties recognize that the outcome of the State Court proceedings, and/or resolution of the Objection to Claim and Adversary Proceeding would further affect or resolve the Objection to Confirmation, filed 4/19/19, and Objection to Amended Schedules, filed 7/2/19, both with continued hearings scheduled for September 5, 2019.

Accordingly, the parties request that the Court remove the Objection to Confirmation from the court docket without prejudice.

Further, the parties agree that further delay to other creditors is not necessary, such that Confirmation of the Plan can be allowed, without payment of the Scaransoli Estate claim initially, as long as the rights of the Scaransoli Estate are preserved and are not deemed to have been waived.

NOW, THEREFORE, upon good cause shown,

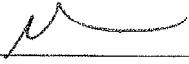
IT IS HEREBY ORDERED:

1. The Objection to Confirmation, filed 4/19/19, and Objection to Amended Schedules filed 7/2/19 are hereby removed from the docket, with leave to restore. A motion to restore the Objection to Confirmation to the docket by Scaransoli Estate, or a motion to deny the Objection to Confirmation by the Debtor or Trustee, should be filed within 60 days from the entry of the final state court order, or within 20 days of restoration of other matters to docket.

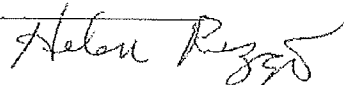
2. Confirmation of the plan may be requested by the Trustee, and granted by separate order, but 11 U.S.C. §1327(a) will not apply to the parties to this Order, such that confirmation of the current plan will not be deemed to have *res judicata* effect as to Scaransoli Estate or the Trustee.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

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/s/ Helen Rizzo  
Helen Rizzo, Debtor



/s/ F. Truett Nettles

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